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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOHN ANTHONY CASTRO,)	
)	
Plaintiff,)	
)	
v.)	
)	
LIEUTENANT GOVERNOR NANCY)	
DAHLSTROM and DONALD JOHN)	
TRUMP,)	Case No.: 1:23-cv-00011
)	
Defendants.)	

MOTION TO DISMISS FOR LACK OF SERVICE

Lieutenant Governor Nancy Dahlstrom moves to dismiss the plaintiff's complaint against her for lack of service. Under Rule 4(m), the Court must dismiss a complaint without prejudice or require service within a specified time if a defendant is not served within 90 days. The plaintiff filed his complaint on September 29, 2023, more than 90 days ago. Doc. 2. No summons has been issued for the Lieutenant Governor and service

is not complete. *See* Doc. 3; Fed. R. Civ. P. 4(c)(1) (requiring service of a both a summons and complaint within 90 days).

The Court should dismiss this complaint without prejudice—rather than allow more time for service—because the plaintiff is aware of the federal requirements for service, having apparently met them in similar lawsuits in other states. *See, e.g., Castro v. Fontes*, No. CV-23-01865-PHX-DLR, 2023 WL 8436435, at *1 (D. Ariz. Dec. 5, 2023). The plaintiff has since dismissed some of these lawsuits, indicating he no longer wishes to pursue these sorts of claims. *See, e.g., Notice of Dismissal, Castro v. Jacobson*, 6:23-cv-00062 (D. Mont. Dec. 7, 2023). If the plaintiff still intends to pursue his complaint in Alaska, he may file it again and complete service.

The Lieutenant Governor respectfully requests that the Court dismiss this complaint without prejudice.

DATED: January 4, 2024.

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By: /s/Thomas S. Flynn
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Certificate of Service

I certify that on January 4, 2024, the foregoing MOTION TO DISMISS FOR LACK OF SERVICE and PROPOSED ORDER were served electronically on all parties via the CM/ECF filing system and on the plaintiff via email:

John A. Castro
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/s/Thomas S. Flynn
Thomas S. Flynn, Assistant Attorney General